

FILED
CLERK'S OFFICE
JUL 26 2004 A 11:58

UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS

BOSTON FEDERAL SAVINGS BANK,

Plaintiff,

v.

MICHELE A. DEANGELIS,
HAROLD B. MURPHY, TRUSTEE,
CHAMPION MORTGAGE CO., INC.,
SHAUN CARVELLI D/B/A/ARTISTIC
INTERIOR, ELLEN R. MARCUS, MARK T.
COLLINS, MASSACHUSETTS DEPT.
OF REVENUE, AND THE INTERNAL
REVENUE SERVICE,

Defendants.

U.S. DISTRICT COURT
DISTRICT OF MASS

CIVIL ACTION NO. 04-10474-GAO

Formerly
Suffolk Superior Court
C.A. No. 04-0305

**PLAINTIFF'S MOTION FOR LEAVE TO AMEND ITS MOTION TO
DEPOSIT IN COURT AND TO DISMISS PLAINTIFF**

Now comes the Plaintiff, Boston Federal Savings Bank, and moves pursuant to Local Rule 7.1 to amend its previously filed motion and deposit in Court the sum of \$86,680.95. This amount represents the surplus funds from the mortgage foreclosure conducted by Plaintiff on the premises of the Defendant, Michele A. DeAngelis, in the amount of \$93,076.78 less costs, expenses and attorneys' fees in the amount of \$6,395.83 related to the filing and prosecution of this interpleader action in the Superior Court and this Court.¹ As grounds therefore, the Plaintiff states that it has incurred additional costs that were not reflected in its earlier motion. These new costs are based on motion practice and opposition to motions currently filed. In further support of this Motion, the

¹ Motion that is currently filed seeks to deposit \$89,597.57 based on attorneys' fees of \$3,479.21.

Plaintiff submits the Affidavit of counsel regarding costs, expenses and attorneys fees related to this interpleader to date. Said Affidavit is attached hereto as Exhibit "A".

WHEREFORE, the Plaintiff respectfully requests that this Court allow Boston Federal Savings Bank to amend its earlier motion and issue an order permitting deposit on the clerk of the court the sum of \$86,680.95 and dismiss the action as to Boston Federal Savings Bank, upon deposit.

Respectfully submitted,

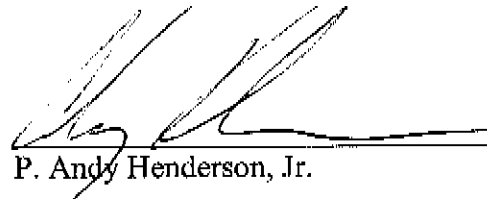
BOSTON FEDERAL SAVINGS BANK,
By its attorneys,



Adam J. Ruttenberg, BBO 553158
P. Andy Henderson, Jr. BBO 655891
LOONEY & GROSSMAN LLP
101 Arch Street
Boston, MA 02110
(617) 951-2800

CERTIFICATE OF SERVICE

I, hereby certify that on the 23rd day of July, 2004, I served a copy of *Plaintiff's Motion for Leave to Amend its Motion to Deposit in Court and to Dismiss Plaintiff* by first-class mail postage prepaid upon the parties listed on the attached Service List.



P. Andy Henderson, Jr.

Boston Federal Savings Bank v. Michele A. DeAngelis, et al.
Civil Action No. 04-10474-GAO

David C. Levin, Esq.
875 Southern Artery
Quincy, MA 02169
(Counsel for Michele A. DeAngelis)

Stephen J. Turanchik
U.S. Department of Justice
P.O. Box 55
Ben Franklin Station
Washington D.C. 20044

Harold B. Murphy, Esq.
Hanify & King
One Beacon Street
Boston, MA 02108

Eileen Ryan McAuliffe, Esq.
Massachusetts Department of Revenue
Litigation Bureau
100 Cambridge Street
P.O. Box 9565
Boston, MA 02114-9565

Edward McCarthy, Esq.
Rosen & McCarthy
4 Whittier Road
Natick, MA 01760
(Counsel for Champion Mortgage Co., Inc.)

Steven M. Carr, Esq.
Special Assistance United States Attorney
Internal Revenue Service
10 Causeway Street, Room 401
Boston, MA 02222

Walter B. Sullivan, Esq.
Sullivan & Sullivan
80 Washington Street
Norwell, MA 02061
(Counsel for Shaun Carvelli d/b/a Artistic Interior)

Barbara Healy Smith, Esq.
Assistant United States Attorney
U.S. Courthouse
One Courthouse Way, Suite 9200
Boston, MA 02210

Ellen R. Marcus
110 Clark Road
Brookline, MA 02446

Mark T. Collins, Esq.
329D Boston Post Road
Sudbury, MA 01776